

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

GULF MARINE FABRICATORS, LP

VERSUS

THE ATP INNOVATOR, bearing IMO No.
742, her tackle, furniture, apparel,
appurtenances, etc., *in rem*,
AMERINDO SERVICES LTD, *in personam*
BLUE SKY LANGSA LTD, *in personam*

CIVIL ACTION NO. 2:16-cv-00430

IN ADMIRALTY,
F.R.C.P. 9(h) and Rule C

**MOTION FOR REVIEW OF MAGISTRATE JUDGE’S MEMORANDUM
AND RECOMMENDATION**

NOW INTO COURT, through undersigned counsel, comes complainant, Gulf Marine Fabricators, LP (“Gulf Marine”), who respectfully files this Motion for Review of Magistrate Judge’s Memorandum and Recommendation (R. Doc. 29), in which the Magistrate Judge recommended that this Court grant defendant Amerindo Services, Ltd.’s Motion to Vacate (R. Doc. 21) the arrest of the *in rem* defendant vessel ATP INNOVATOR. As set forth in the accompanying Memorandum in Support, by requiring Gulf Marine to establish the vessel status of the INNOVATOR by a preponderance of the evidence, the Magistrate Judge’s Memorandum and Recommendation applied an incorrect standard of review at this early stage of the proceedings. The proper standard of proof is reasonable grounds, and Gulf Marine established such grounds through its Opposition and supporting materials.

Moreover, the Magistrate Judge's Memorandum and Recommendation is contrary to the General Maritime Law on the issue of vessel status. For these reasons and those set forth in the accompanying Memorandum in Support, Gulf Marine respectfully requests that the Court grant its Motion for Review and deny the Motion to Vacate the arrest of the ATP INNOVATOR. Alternatively, Gulf Marine respectfully requests the opportunity to conduct jurisdictional discovery before the issue of vessel status is determined by a preponderance of the evidence standard.

Respectfully submitted,

/s/ William C. Baldwin

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of December, 2016, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system. I also certify that I have mailed this filing by United States Postal Service to any non-CM/ECF participants.

/s/ William C. Baldwin